

October 13, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-11333
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ANTHONY LEE AARON,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 1:03-CR-29-1

Before EMILIO M. GARZA, DeMOSS, and CLEMENT, Circuit Judges.

PER CURIAM:*

Anthony Lee Aaron appeals from his guilty-plea conviction for manufacturing counterfeit Federal Reserve Notes. He argues that, because the counterfeit notes at issue were "so obviously counterfeit that they [were] unlikely to be accepted even if subjected to only minimal scrutiny," the district court should not have increased his sentence pursuant to U.S.S.G.

§§ 2B5.1(b)(2)(A) and (b)(3). This court reviews "the district court's application of the Sentencing Guidelines de novo and its

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

findings of fact for clear error." United States v. Wyjack, 141 F.3d 181, 183 (5th Cir. 1998).

Reviewing the evidence in light of the multi-factor test set forth in Wyjack, 141 F.3d at 184, we conclude that the district court did not clearly err when determining that the counterfeit notes at issue were not "obviously counterfeit" for purposes of U.S.S.G. § 2B5.1(b)(2)(A). See United States v. Bollman, 141 F.3d 184, 186-87 (5th Cir. 1998). Accordingly, the district court's judgment is AFFIRMED.